

Millions"; (2) that stationery used by the Vita-Mil Co. carried the printed heading "Vita-Mil" accompanied by the words "Health for Millions", likewise interpreting the meaning of "Vita-Mil"; (3) that the statement "Vita-Mil * * * a perfected combination beneficial to the control of the stomach and sluggish liver", borne on the cartons containing the bottles, was a statement which meant that the article was a treatment, remedy, and cure for the conditions therein specified; that the device "Vita-Mil" and the statement on the carton, "Vita-Mil * * * A Perfected combination beneficial to the control of the stomach and liver", were a device and a statement, respectively, regarding its curative and therapeutic effects, which were false and fraudulent.

On March 23, 1937, no claim or answer having been filed to the amended libel, judgment was entered condemning the product and ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23781. Adulteration and misbranding of Vita-Mil. U. S. v. 312 and 96 Bottles of Vita-Mil. Default decree of destruction. (F. & D. nos. 38948, 38949. Sample nos. 13674-C, 13675-C.)

This product was represented to be a preparation of herbs but in fact contained a large proportion (approximately 23 percent) of Epsom salt, a mineral drug. The labeling bore false and fraudulent curative and therapeutic claims.

On January 16, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 408 bottles of Vita-Mil at Meridian, Miss., alleging that the article had been shipped in interstate commerce in part on or about August 13, 1936, by Albright & Wood, from Mobile, Ala., and in part on or about September 19, 1936, by William Barth from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Vita-Mil Distributed by the Vita-Mil Company, Charleston, W. Va."

Analysis showed that the article consisted essentially of Epsom salt (approximately 23 percent) and extracts of plant drugs including a laxative drug and small proportions of sodium benzoate, saccharin, sugars, caramel, and flavoring material and water.

The libel alleged that advertisements appearing in a Meridian newspaper contained the following statements regarding the article on the dates specified: (October 2, 1936) "Vita-Mil * * * the scientific herbal remedy"; (October 7, 1936) "Vita-Mil, this famous herbal remedy"; (October 9, 1936) "Vita-Mil, the advanced, scientific herbal remedy"; (October 14, 1936) "This new scientific blend of Extracts from Medicinal Plants called Vita-Mil"; (October 16, 1936) "Vita-Mil, the new scientific mixture of Extracts from Medicine Plants"; (October 21, 1936) "Vita-Mil * * * This Great Herbal Medicine"; (October 23, 1936) "Vita-Mil, a scientific blend of natural roots and herbs"; (October 28, 1936) "Vita-Mil, the scientific herbal medicine"; (October 30, 1936) "Vita-Mil * * * This Great Herbal Remedy"; (November 4, 1936) "Vita-Mil is an advanced scientific herbal remedy"; (November 5, 1936) "Vita-Mil * * * Famous Herbal Compound * * * Vita-Mil is Nature's way—a combination of pure herbs."

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold since it was not a preparation of herbs but contained a considerable proportion of Epsom salt, a mineral drug.

The libel further alleged that the letters "Vita-Mil" borne on the bottle labels and on the cartons containing a portion of the bottles were a device regarding its curative and therapeutic effects in that they meant "Health to Millions" and that the article was "Beneficial to the control of the stomach and sluggish liver", the said letters having attained such meaning as the result of the following: (1) Business cards distributed by an agent for the Vita-Mil Co. bore the statement "Health for Millions" just above the letters "Vita-Mil" interpreting the meaning of "Vita-Mil" to be "Health for Millions"; (2) that for some time prior to December 3, 1935, the product "Vita-Mil" bore on the carton in which it was shipped in interstate commerce and distributed to the public the statement: "Vita-Mil * * * Beneficial to the control of the stomach and sluggish liver"; that subsequent to December 3, 1935, the branding was changed so that no explanation of the meaning of the said letters, save the device, "Vita-Mil" itself remained on the labeling so that at the time of shipment the labeling contained no statement in explanation of the meaning of the device "Vita-Mil", save the device itself, which means, as formerly labeled and sold "Health

for Millions" and "Beneficial to the control of the stomach and sluggish liver"; that the device "Vita-Mil" being a device regarding the curative and therapeutic effects of the article was false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed by means of the said device. The libel alleged that a portion of the article was misbranded further in that the statement borne on the carton, "Made from Roots, Herbs and Barks and Other Medicinal Ingredients", was misleading in that it might mean to purchasers that the article was made from plant materials solely; whereas it contained a large proportion of Epsom salt, a mineral drug.

On March 17, 1937, no claimant having appeared, a decree was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27382. Adulteration and misbranding of Vita-Mil. U. S. v. 18 Cases and 6 Cases of Vita-Mil. Default decrees of destruction. (F. & D. nos. 38783, 38784. Sample no. 16342-C.)

This product was represented to consist of roots, herbs, and barks. Examination showed that it contained Epsom salt, a mineral cathartic drug, and that the labeling bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about December 11, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases of Vita-Mil at Savannah, Ga., alleging that it had been shipped in interstate commerce in part on or about May 28 and 29, 1936, by Pailey's Pharmacy from Orlando, Fla., and in part on or about June 12, 1936, by the Court Square Drug Co., from Palatka, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of Epsom salt (approximately 23 percent), and extracts of plant drugs including a laxative drug; small proportions of sodium benzoate, saccharin, sugars, caramel, and flavoring material and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, viz: In an advertisement in a Savannah evening paper of September 3, 1936, which read, "What it is! Vita-Mil is a medical compound of more than 20 of the finest Medicinal Herbs"; and in a statement on the cartons of a portion which read, "Made from Roots Herbs and Barks and Other Medicinal Ingredients"; and in a statement on the cartons of the remainder which read, "A Medicine Made from Roots Herbs and Barks from All Parts of the Earth", since the article consisted largely of Epsom salt, which is not a medicinal herb, root, or bark.

It was alleged to be misbranded in that the following statements were false and misleading when applied to an article consisting largely of Epsom salt, a mineral cathartic drug: (Carton of portion) "A Medicine Made From Roots Herbs and Barks and Other Medicinal Ingredients"; (carton of remainder) "A Medicine Made From Roots Herbs and Barks From all Parts of the Earth Containing No Harmful Drugs." It was alleged to be misbranded further in that the statement, design, and device, "Vita-Mil", and the firm name "The Vita-Mil Company", borne on the cartons and bottles, and the statement, "A Perfected Combination Beneficial to the Control of the Stomach and Sluggish Liver", regarding its curative and therapeutic effects, borne on the cartons of a portion, were false and fraudulent.

On January 12 and 14, 1937, no claimant having appeared, judgments were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27383. Adulteration and misbranding of Tincture Cinchona Comp. and Powdered Extract Nux Vomica. U. S. v. Burrough Bros. Manufacturing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 38045. Sample nos. 70181-B, 70140-B.)

These products were sold under names recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Burroughs Bros. Manufacturing Co., a corporation at Baltimore, Md., alleging shipment by said company in violation of the Food